



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/622,739	07/21/2003	Takaki Shimura	1080.1021D3	2792		
21171	7590	09/16/2008	EXAMINER			
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005				SMITH, FANGEMONIQUE A		
ART UNIT		PAPER NUMBER				
3736						
MAIL DATE		DELIVERY MODE				
09/16/2008		PAPER				

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/622,739	SHIMURA ET AL.	
	Examiner	Art Unit	
	FANGEMONIQUE SMITH	3736	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4 is/are pending in the application.
 - 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-4 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date ____ .	6) <input type="checkbox"/> Other: ____ .

DETAILED ACTION

1. Examiner submits Office Action dated June 18, 2007 has been considered a non-final office action. This Office Action is responsive to the Amendment after Non-Final filed on October 17, 2007. Examiner acknowledges the amendment of claim 1; and the addition of new claims 3 and 4. Claims 1-4 are pending.

Claim Objections

2. Claim 1 is objected to because of the following informalities:

- a. At line 6 of claim 3, it is suggested to modify the limitation "one of the patient terminal" to read -- one of the patient terminals --.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 4 recites the limitation "to provide light quantity and/or the illumination angle of to each of the light control units" in lines 4 and 5. It is unclear whether the control operation unit is to provide the information to each light control unit or if the control operation unit is providing

this information once obtaining the information from each light control unit, rendering the claim indefinite.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo et al. (U.S. Patent Number 5,586,254) in view of Friedman (U.S. Patent Number 5,379,201).

In regard to claims 1 and 2, Kondo et al. disclose a system for managing and operating a network by physically imaging the network. The system includes at least one center terminal and additional terminals all connected via communication lines in a common network configuration (col. 39, lines 62-67; col. 40, lines 1-40). Kondo et al. disclose data shared throughout the networked terminals include image data. Each additional terminal is provided with a room illumination light for illuminating a room in which the additional terminal is disposed (col. 30, lines 19-67). The center terminal and additional terminals of the Kondo et al. system are arranged in a hierarchical network arrangement, each including an operating means for controlling the intensity of the room illumination light. The center terminal controls the patient terminals with a means for controlling illumination of a light installed on the patient terminals as well. Although Kondo et al. describes features of applicant's invention as described, Kondo et al. do not disclose a light source installed on the patient terminals which are independent light

sources from the patient terminals. Friedman discloses a portable light for a computer which is installed on the display screen of a computer system and is independent of the terminal. The portable light disclosed by Friedman incorporates a power source which allows the portable light to illuminate a room independently of the patient terminals. It would have been obvious to one having ordinary skill in the art at the time the Applicants' invention was made to modify a system for managing and operating a network through physically imaging, similar to that disclosed by Kondo et al., to include a light source to be installed on each patient terminal within the system, similar to that disclosed by Friedman, to provide an additional lighting means.

8. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo et al. (U.S. Patent Number 5,586,254) in view of Friedman (U.S. Patent Number 5,379,201) and in further view of Hart (E.P.O. Patent Application Publication Number 0 558 349).

In regard to claims 3 and 4, the combined references of Kondo et al. and Friedman disclose a system for managing and operating a network with an independent light source. Although the combined references include features of Applicant's invention as described, the combination does not disclose a light control unit in addition to a light control operation unit located at each center terminal. Hart discloses an electrical lighting installation control system which is installed within a computer system and is independent of the terminal. Hart discloses the system having a central control unit and intermediate control units. The central control unit of the control system disclosed by Hart has an inherent capability to perform and control all functions of the intermediate control units including electrical lighting control. It would have been obvious to one having ordinary skill in the art at the time the Applicants' invention was made to modify a system for managing and operating a network through physically imaging, similar to that

disclosed by the combined references of Kondo et al. and Friedman, to include a control system having a light control unit located at the center terminal, similar to that disclosed by Hart, to provide an additional control feature for local and remote control of the patient environment.

Response to Arguments

9. Applicant argues the prior art references used in the previous office action does not disclose a central terminal provided with light a turn-on operating means for turning on the lights installed on the patient terminals. Also, Applicant argues there is no reason for combining teachings. Examiner respectfully disagrees. The Kondo et al. reference discloses a system for managing and operating a network of computer systems designed to control functions of the computer systems and provide feedback to a central unit. The functions of each computer system can be controlled locally or remotely as described above. Friedman teaches including a light installed on the monitor of each terminal assists with providing additional illumination means. Applicant's arguments with respect to the claims have been considered but are not persuasive. The rejection stands.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fangemonique Smith whose telephone number is 571-272-8160. The examiner can normally be reached on Mon - Fri 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on 571-272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FS

/Max Hindenburg/

Application/Control Number: 10/622,739
Art Unit: 3736

Page 7

Supervisory Patent Examiner, Art Unit 3736